

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PORTSIDE GROWTH AND OPPORTUNITY  
FUND,

Plaintiff,

v.

EARTH BIOFUELS, INC.

Defendant.

Case No. 07 - CV - 5582

ECF case

**Rule 7.1 Statement**

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Portside Growth and Opportunity Fund (a private non-governmental party) certifies that there are no corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

DATED: June 7, 2007

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